

Wake Forest JURIST

the magazine of Wake Forest University School of Law



Trial Advocacy

*Courtroom training.....
in the 21st Century*

Seminar/Fall 2004

Wake Forest JURIST

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We have a new leadership team for career services. Last October, we hired Ann Gibbs as Associate Dean for External Affairs and Administration. She had previously been an associate dean with similar responsibilities at Nova Southeastern University Law Center and the University of Richmond School of Law. While Ann supervises a number of other areas, I asked her to give particular attention to conducting a major review of our career services program at the law school. On July 1, 2001, we added a new member to our career services team, Kim Fields, as Director of Career Services. Kim comes to us after more than a decade in a comparable position at Tulane Law School in New Orleans.

In the extensive national search to fill this directorship and in our long-range planning process, we have conducted dialogues with our various constituencies about improving our career services operations. In late July, we held our annual Summer Leadership Conference, which over a two-day period was devoted exclusively to what is happening in career services nationally and at our law school. At this conference, we invited A.P. Carlton, the president-elect of the American Bar Association, and Paula Patton,

the Executive Director of the National Association of Law Placement, in addition to our own alumni and board members, to be panelists and speakers. We had great discussions about what is happening in the legal job market nationally and in our region. We also talked about what Wake Forest could do to aid both employers and our students. We are now soliciting your help and advice in this review of our career services office.

As background, first I will give you some key placement statistics and then set forth what we consider important career services issues.

The National Association of Law Placement compiles placement rates for all law schools at a uniform date, six months after graduation (and therefore after most bar exam results are known). Our NALP rate for the class of 2000 was 98.7 percent employed six months after graduation. Throughout the 1990s our NALP rate has always been around the mid-90s in percent and significantly above the national employment rate.

We have also been consistently above national norms in the number of our students who take legal positions and in the number of those within that group who work in private practice, instead of in business or government. In a typical year, while about one-third of our students come from North Carolina as entering students, about 60 percent take jobs in North Carolina. About 85 percent work in North Carolina and the Southeastern United States.

Each year, we also have a significant percentage of the class in private practice that work for



*We have a new
leadership team for
career services.*

law firms of ten or less, approximately 41 percent for the last graduation class. Very few such firms interview on campus, and many smaller firms only hire lawyers after bar examination results. This leads to a statistic that we have been trying to increase: employment at graduation. For the class of 2000, Wake Forest reached an all-time high with 83 percent employed at graduation. This figure was approximately 10 percent higher than the year before, which was 10 percent higher than the year before that. In this past year, consistent with the national experience according to Paula Patton, this figure fell back about 10 percent to the mid-70s. While our statistics on graduation placement are also above national norms, this means that one out of four of our students does not have a job at graduation. This causes considerable anxiety to these students.

These latter statistics lead to what we consider two of our most important career services issues: placement at graduation and services to students and employers with respect to smaller firms that do not have the resources to go to law schools to interview on campus. A third major issue is to provide more career services opportunities outside of North Carolina and the Southeast. Increasingly, we are attracting students from outside this area, and we should help provide opportunities to them if they want to return home to practice.

I believe that Wake Forest graduates should be especially attractive to employers. The credentials of our student body put them in the top 15 percent of entering classes. They receive a rigorous education in the context of some of the smallest classes anywhere in legal education. The program has won numerous national awards, including the Emil Gumpert Award from the American College of Trial Lawyers and the Harrison Tweed Public Interest Award from the American Bar Association. The reality, however, is that we need to work even harder to provide opportunities for what I consider the nation's best law graduates.

One change that we are making is to add a new position in the career services office focusing on individual counseling of students. This will bring our total career services staff to four. In almost all law schools the majority of the class is not placed through on-campus interviews. Career services offices primarily advise students on how to place themselves. Our staff's goal is to work with each individual student in helping to design and execute his or her job search.

We are also establishing a more formal alumni network to use the good offices of our alumni, especially in smaller communities and in more distant cities, to advise our students. Next, we are participating and sponsoring job fairs in both smaller communities around North Carolina and in markets outside the state. Kim Fields plans to organize externship programs during Winter break to place students in offices in the communities in which they are interested. The deans, career services personnel, and faculty will target new cities each year to visit and spread the Wake Forest story. Finally, we now have interactive videoconferencing equipment in the law school to allow employers to interview our students from their own cities without the expense of a trip to Winston-Salem.

Ann Gibbs and Kim Fields are working on a survey to send to our alumni with respect to career services. The survey will also be on our law school website, which I encourage you to peruse. Our web address is <http://www.law.wfu.edu>.

We need your help and advice. We also need volunteers to become part of our alumni network. Please contact either Ann Gibbs at gibbsas@law.wfu.edu or Kim Fields at fieldskm@law.wfu.edu. Our alumni are the most supportive of any law school in the country. I am certain that with your help and our new team our focus on career services over the last year will yield even greater results for our graduates.



These... statistics lead to what we consider two of our most important career services issues: placement at graduation and services to students and employers.

CAROL ANDERSON is writing a national trial advocacy text for Lexis Law Publishing. She was a team leader for the National Institute of Trial Advocacy's Southeast Regional trial advocacy training program in May. She participated in a NITA teacher training program for the US Department of Justice in June. She ends her term as president of the Forsyth County Bar Association this month and begins her year as head of the Legal Aid Access to Justice Campaign.

RHODA BILLINGS has received notice of her reappointment by Gov. Easley as a North Carolina commissioner to the National Conference of Commissioners on Uniform State Laws. She was appointed last fall by the other Commission members to the North Carolina Indigent Defense

Services Commission. Professor Billings will publish a law review article in the fall issue of the Oklahoma Law Review in connection with a symposium on the new Uniform Rules of Evidence. The article is entitled "Expert Testimony to Accommodate the Frye, Daubert and Kumho Standards of Admissibility."

MARK HALL has recently begun a major study of managed care patient protection laws, funded by the Robert Wood Johnson Foundation. Several articles from his study of doctor-patient trust have been accepted for publication in medical and health policy journals. He has given presentations on his research to several national organizations recently, including the American Society of Law, Medicine and Ethics, the Academy for Health

Services Research and Health Policy, and the National Conference of State Legislatures. Prof. Hall visited at Duke University in the spring semester, while on sabbatical.

DAVID LOGAN's article, "Libel Law in the Trenches: Reflections on Current Data on Libel Litigation," has recently been published in the Virginia Law Review.

KATE MEWHINNEY was a presenter at the American Society of Aging's Fifth International Care/Case Management Conference in Vancouver, Canada. The topic was "Care Management and Guardianship: Effective Partnership or Conflicted Relationship?" Professor Mewhinney was the program planner for a session on elder law at the

SPEAKERS IN THE HOUSE

- Speakers and programs held in February included: Jack Schofield, chairman of Airbus; Mary Ann Glendon of Harvard Law School; attorney John Howie, discussing his practice as representative of plaintiffs in wrongful death and significant personal injury cases; lead attorney Beth Robinson discussing a recent Vermont Supreme Court case recognizing gay marriages; a program on gun control issues; and a lawyer from NASCAR.
- In March, speakers included Kenneth Broun, whose topic was "Black Lawyers Under Apartheid South Africa," and Fred Parker, with Karl Hill, presenting a North Carolina Bar Examination Program.
- Chief Justice Norman Veasey of the Supreme Court of Delaware spoke on "Law and Fact in Judicial Review of Corporate Transactions" on April 9.
- Steve Berlin was a speaker in April discussing environmental law issues in his practice.



- The Law School Hooding Ceremony was held on May 20 with Justice Rosalie Abella, left, of the Ontario Court of Appeals as speaker.



- The Black Law Students Association held the 16th Annual Scholarship Banquet in February. Judge Nathaniel Jones, left, of the U. S. Court of Appeals for the Sixth Circuit was the keynote speaker.



- The annual Law Review Business Symposium was held in March. The topic was "Multidisciplinary Practice" with John Jernigan, left, and Phoebe Haddon as keynote speakers.

American Bar Association's Annual Meeting. As the co-chair and incoming chair of the Elder Rights Committee of the ABA Section on Individual Rights and Responsibilities, she moderated a program in Chicago entitled "Eccentric, Independent, or Incompetent? Litigating Mental Capacity Cases: Views of a Litigator, a Judge, and Psychiatrist."

JOEL NEWMAN has recently published a piece in *Tax Notes* entitled "Islamic and Jewish Perspectives on Interest." The article also appeared in *Tax Notes International* and *Exempt Organization Tax Review*. Last spring Professor Newman tutored a kindergarten student at Speas Elementary School, under the auspices of a Winston-Salem/Forsyth County Schools tutorial program.

ALAN PALMITER organized, and the law school hosted, a one-week seminar on American law for a group of Italian notaries. The seminar was held in June and was a great success.

MICHAEL PERRY published several essays in the first half of 2001: "Why Political Reliance on Religiously Grounded Morality Does Not Violate the Establishment Clause," in the *William and Mary Law Review*; "Why Political Reliance on Religiously Grounded Morality is Not Illegitimate in a Liberal Democracy," *Wake Forest Law Review*; "Christians, the Bible, and Same-Sex Unions: An Argument for Political Self-Restraint," in the *Wake Forest Law Review*; "Catholics, the Magisterium, and Moral Controversy: An Argument for Independent Judgment," in the *University of Dayton Law*

Review. Professor Perry delivered three public lectures in the first half of 2001: at the University of Dayton School of Law, at the University of Detroit Mercy School of Law, and at Dartmouth College. He also presented a paper to a conference on the "school choice" controversy, sponsored by the Boston College Center for Religion in American Public Life. In addition, he participated in a conference on "The Idea of Public Reason," sponsored by the Catholic University of America.

DAVID SHORES' article, "Antitrust Decisions and Legislative Intent," has been accepted for publication in the *Missouri Law Review*. Professor Shores spoke to the Forsyth County Bar Association in May. The title of his speech was "Microsoft: Efficient Competitor or Predatory Monopolist?"

- ◆ The unveiling of the portrait of former Chief Justice Rhoda Billings, right, took place in January. Professor Billings served on the North Carolina Supreme



Court from 1985-86, serving as Chief Justice in 1986. After unveiling the portrait, a reception was held in Professor Billings' honor.

- ◆ "A Conversation with Judge Ben Tennille" was held in January and "A Conversation with Professor Butch Covington" was held in February. These presentations, featuring a special superior court judge for complex business cases and a renowned professor of contracts, secured transactions and sales, are part of a continuing series which brings prominent members of the profession to the law school to share their experiences in a conversational format.
- ◆ On July 9, 2001, the law school community welcomed Kim M. Fields as its new Director of Career Services. After an extensive national search to fill the directorship, Kim stood out as the ideal person to lead and direct this important office. She comes to the law school with expertise in the human resource area as well as 10 years of experience as Director of Professional Development at Tulane Law School. She brings a wealth of knowledge about career opportunities for law students, contacts within the legal profession, and an enthusiasm for counseling students to meet their individual career goals. We are delighted to welcome Kim as part of the Wake Forest Law School Team.

- ◆ Richard Thigpen, general counsel of the Carolina Panthers, presented the final program of the semester on "The Practice of Sports Law for an NFL Franchise."

- ◆ An alumni weekend was held in Washington, D.C., in May ending with ten law alumni being admitted to practice before the Supreme Court of the United States.

- ◆ The law school held a Notaries Seminar with seven Italian Notaries in attendance. This seminar was fashioned as a mini-continuing legal education program and may become an annual event.

- ◆ The Wake Forest University School of Law National Moot Court teams won the Region IV competition in the Fifty-First Annual National Moot Court Competition held at the Fourth Circuit Court of Appeals in Richmond, Virginia.

- ◆ The Chief Justice Joseph Branch portrait was unveiled after a luncheon with immediate family members and friends this past fall. President Hearn, Dean Walsh and Professor Rhoda Billings made remarks to the group. James Branch, son of Justice Branch, made a short presentation on behalf of the family.





Well-Prepared for

T R I A L

by Sheridan Hill

Traditionally, Wake Forest School of Law has excelled in trial advocacy training. The tradition is keeping pace with technological advances.

IF THERE IS ONE AREA IN WHICH WAKE FOREST School of Law has truly distinguished itself over the years, it is in the training of trial lawyers. The program's successful formula focuses on academic preparation without sacrificing practical skill building, a tradition that began in 1894, when practice, or moot, court participation was mandatory for the school's very first twelve students.

The emphasis on moot court participation strengthened appreciably when Robert E. Lee ('28) became dean in June 1946. Lee immediately began strengthening the use of practice courts, ensuring that they were faculty-supervised and presided over by such legal authorities as the attorney general of North Carolina and justices of the state Supreme Court. Small groups of students, accompanied by a faculty member, also visited local law offices and courts in the town of Wake Forest and in Raleigh.

Carroll W. Weathers (JD '23) assumed the deanship in 1950 and instituted Wake Forest participation in a national moot court competition sponsored by the bar of New York City. Wake Forest won over the Duke team in the first round but lost to the University of Virginia Law School in the second phase. Wake Forest continued to participate in the competition, winning at the state and regional levels throughout the fifties and sixties.

In 1957, Wake Forest produced its first law school graduates from the Winston-Salem campus, following the move from Wake County in 1956. Howard Twigg (JD '57), who today is a partner in the law firm of Twigg, Abrams, Strickland and Rabenau in Raleigh, is quick to credit his professors for preparing him to achieve success.

"Dr. Lee called on me first in almost every class for three years," Twigg said. "He would grill me unmercifully. At the end of my third year he pulled me aside and said, 'Mr. Twigg, you may have wondered why I called on you so much. I have done you a favor. I thought that you had promise and I decide to help you develop it.' From that time on, judges didn't bother me at all. We had some terribly mean judges when I went into practice, and if they would scream and yell, I'd just think, 'I've been under fire much worse than this.'"



Robert E. Lee



Carroll W. Weathers



"To be a good trial advocate, you must be willing to engage in discussion and debate and not be afraid of controversy."

—Rhoda Billings

Practice courts provided practical experience in all aspects of courtroom work. Cases frequently involved college faculty, administration, and students as defendants, plaintiffs, witnesses, and jurors. Distinguished North Carolina judges and attorneys presided over trial court sessions, which were always conducted formally—but not to the exclusion of whatever humor could be found in the imagined case. Appellate moot courts consisted of a third-year law student, a law faculty member, and a judge or lawyer. Formal appellate briefs were required and, as in the trial courts, student participants were fully critiqued when the sessions ended.

Rhoda Billings (JD '66) began her legal career in 1966 after graduating first in her class from the Wake Forest School of Law. In 1973, she began teaching trial advocacy at Wake Forest as an assistant professor of law, when she and Leon Corbett Jr., former law faculty member and interim dean and now Senior University Counsel, began preparing Wake Forest students for regional trial advocacy competitions, which they have won nearly every year since 1981.

Billings' experience behind the bench—four years as a district court judge and two years as Associate Justice and Chief Justice, respectively, of the North Carolina Supreme Court—proves advantageous to Wake Forest Law School students when she sits as judge for appellate and trial moot court, including sitting in on practice rounds and advising students on trial competitions.

"A law school can't actually develop an accomplished trial lawyer; you can only give them the basic skills that they will then need to hone when they get in practice," Billings said. "But I can say that our students, especially those who compete in interscholastic competitions, come close to a fairly finished product."

Corbett, who was one of thirty-six in the law school class of 1961, has held various positions in the School of Law since 1968, including teaching trial advocacy. "At that time, the professor made up the cases, and in my Trial 101 course I required students to find someone to play the various roles," he said. "I gave them a sealed envelope, provided witnesses their information, and required the class members to find jurors."

"We have always made court as realistic as possible," he continued. "We would go through the process of selecting jurors; we didn't actually remove anyone from the box because we had such a short supply, but we did exercise challenges. I would enlist sitting Superior Court judges and District Court judges so that students always tried their cases before judges. Later on, I discovered it worked to have active trial lawyers to sit as judges. Afterwards, we asked the judge to critique the trial."

Student interest in trial practice hit a new level in 1978 when the Student Trial Bar was formed to promote the development of trial advocacy skills. During the seventies, Wake Forest students benefitted from what was then state-of-the-art technology: videotapes. Student trials were taped, and the trial course expanded to a two-hour weekly class to accommodate viewing and critiquing.

"The technology added a great deal," Corbett said. "It was interesting to see what you could do with someone who might make a timid appearance, to play back the video and show them where to be stronger, and let them try it again. It instills confidence. Presence in the courtroom is very important."

(For more information on how technology continues to play a cutting-edge role in the school's trial advocacy training program, see related article, facing page)



"We have always made court as realistic as possible."

—Leon Corbett

LEGAL PRACTICE, ESPECIALLY LITIGATION AND ADJUDICATION, IS A SOPHISTICATED FORM OF INFORMATION MANAGEMENT.

Nevertheless, communications technology traditionally has sidestepped the courtroom, by and large.

That trend is changing. Lawyers are using electronic case management systems and experimenting with electronic filing. Judges and lawyers use laptop computers and data retrieval systems like the US Robotics Pilot. Judges are trying cases in which imaged documents that have been recorded on a CD are played back in court on a computer, and witnesses sometimes appear via teleconferencing.

This spring, thanks to a \$50,000 cash prize that accompanies the Emil Gumpert Award given to the University by the American College of Trial Lawyers last year, the trial courtroom at Wake Forest became one of a small number of courtrooms in the country equipped with the latest electronic and digital equipment to prepare students to use advanced communications technology in the courtroom. Twenty years ago, they may have used felt-tipped pens and poster boards; today, they can use computer-generated videos to illustrate automobile accidents or surgical techniques.

Students (and attorneys who have arranged to use the courtroom) can move about the room using a remote control to play and pause videotapes or call up exhibits using Power Point software. Using a computer touch screen at the podium, they can display larger-than-life images instantly on two fifty-inch monitors and two smaller monitors at the bench and witness stand. The document camera (known as Elmo, the manufacturer's name) is a vertically mounted

TV camera aimed down at a large white pad. Any photograph, document, or object placed on the pad is instantly displayed on courtroom monitors.

Three video cameras on the ceiling are focused on the courtroom action, including the witness stand and the podium. Witnesses can be deposed via teleconferencing. Internet connections at each bench will allow both sides of the bench to send and receive email or search the Web during court proceedings.

The podium computer includes a CD-ROM drive and a CD-writeable drive. Five more computers can be added to the existing computer system in the courtroom.

Advanced technology is infiltrating real-world courtrooms as well. The state's business court (created by the General Assembly and located in downtown Greensboro), was technologically upfitted by Cx2000, the same company that installed Wake Forest's electronic courtroom.

Since 1996, Judge Ben Tennille has presided over the business court, which is located in the historic Meyers Building. "Ten years from now, this is the only way judges will get briefs: electronically filed or on CD-ROM," Tennille said.

According to a paper written by Fredric I. Lederer for Courtroom 21, a technologically advanced courtroom created by the College of William & Mary and the National Center for State Courts (NCSC), anecdotal evidence from the United States and Australia suggests that trials can be shortened by up to 25 percent by the use of electronically-presented evidence.



"Trials really do move faster," Tennille said. "I think D.A.s will be pushing this soon, then the public defenders will be right behind them."

Rhoda Billings of the law school faculty offers a caveat for the use of technology in the courtroom. "It's important not to be so enamored with the technology that you forget what it is doing," Billings said. "To provide access to documents by carrying one small disk rather than a hundred boxes makes great sense. The ability to communicate in a settlement for example, to talk by videoconferencing, can have a tremendous benefit. But the actual presentation of live testimony is an area where we have to be careful. We can't be blind to the fact that smart use may mean that there are some things that technology can't be a substitute for."

Carol B. Anderson, clinical professor and director of the clinical program and director of trial advocacy, feels that technology is the great leveler in the courtroom.

"I think technology wins cases, and can help a younger lawyer succeed against an older lawyer with more years' experience," she said. "Deposing witnesses electronically can be a great advantage, because you can prepare the witnesses and train them, and with careful video editing, the jury won't be able to see them wring their hands and fiddle with their rings. They make better witnesses that way."

“There is something called the Wake Forest mystique: believe me, it exists.”
—Carol Anderson

As the Clinical Program evolved in the eighties, some students in the criminal portion of the program were placed with defense attorneys and others were assigned to the district attorney's office to gain courtroom experience. Students averaged trying fifteen cases in District Court and some tried a full jury trial in Superior Court. Students were placed in one of five civil law sections: general practice, Legal Aid Society, commercial practice, corporate general counsel, and federal practice in the United States Attorney's office. The clinical experience enhanced student skills in preparation for admission to the bar and offered a wide variety of practice across the spectrum of law.

Wilson Parker, who joined the School of Law faculty in 1981, designed the courtrooms in the Worrell Professional Center, which opened in January 1993. To equip a courtroom for teaching rather than ceremony, he made sure the room included three mounted cameras, the ability to create high-quality videotapes of trials, as well as filming capacity in the jury room so that deliberations could be monitored in an unobtrusive way.

Under the direction of Carol B. Anderson, clinical professor and director of the clinical program and director of trial advocacy, Wake Forest law students have soared to the top of trial competitions.

The Law School was given the 2000 Emil Gumpert Award, presented by the American College of Trial Lawyers. Seven times since 1989, Wake Forest's national trial team has won the Southeast region in the National Trial Competition and also has advanced to the national quarterfinals and the semifinals.

The law school's lecture and demonstration programs bring nationally acclaimed lawyers to the Worrell Center, and the Chief Justice Joseph Branch Inn of Court brings prominent trial judges and lawyers in monthly meetings to discuss trial advocacy with students.

A nationwide advocate of excellence in trial advocacy, Anderson has served on related committees of national, state, and local bars. She was given the 1994 Richard S. Jacobson Award for Excellence in Teaching Trial Advocacy and the 1996 Award for Trial Advocacy Teaching from the North Carolina Academy of Trial Lawyers.

“There is something called the Wake Forest mystique: believe me, it exists,” she said. “Wake Forest lawyers bend over backwards to help each other; they can call other alumni they've never met and get questions answered, get the help they need. My students are constantly flabbergasted by the amount of attention, free help, free advice, and concern for them that is manifested by other Wake Forest lawyers. Judges tell me they can spot Wake Forest lawyers in the courtroom because they have such excellent courtroom manners.”

In the eighties, as the school grew, trial advocacy classes included as many as twenty-four students; today they are taught in groups of six. The current program emphasizes trial competitions, smaller classes, and includes three-and-a-half hours each week: a two-hour lecture and demonstration and a separate lab component for ninety minutes.

“With only six students per class, it's instructor-intensive, but it's a commitment that Wake Forest has made,” Anderson said. “I believe we have some of the smallest, if not the smallest, trial advocacy classes in the country. Many other schools have eighteen students, but this is the only effective way to do it. As we continue to change, I just hope we grow and evolve at the same pace we have over the last fifteen years.”

WHAT MAKES A GOOD TRIAL LAWYER?

The Jurist asked this question to several alumni.

Allen Bailey ('50)

You must have an instinct that permits you to read people and to be able to tell in advance, from simply looking at them and talking to them, what they're really like inside. You can have all the book knowledge in the world, but if you don't know anything about people, if you don't know how to communicate with the average citizen that sits on a jury, you've got a problem in the courtroom.

You've got to be able to make people like you, respect you, and believe that you are leveling with them; otherwise, you're not going to get very far in the courtroom.

What do I use in the courtroom? Anything that works, as long as it is ethically permitted. Jurors want you to give them the information. They're not looking for you to be a movie star. I've used all kinds of techniques, including rolling on the floor.



The courtroom is where real life plays out. I don't have to go to a drama on Broadway because I live a life of

drama in the courtroom. That's where life and death come together, and the results depend a great deal upon your communication skills, how you are able to relate to the jury.

Professor Rhoda Billings ('66)

What makes a good trial lawyer? First, an interest in providing the advocacy assistance to the client that is important to presenting that

person's side. To be a good trial advocate, you must be willing to engage in discussion and debate and not be afraid of controversy. Also, you can't be unnecessarily combative. You must adamantly take a position

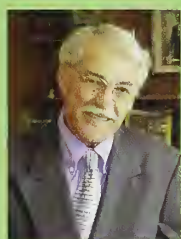
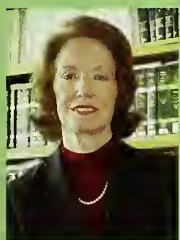
in favor of the client's interests with an understanding of the validity of the client's position, because sticking to a position that can't be supported is detrimental to the client.

It requires significant analytical skills: the ability to analyze a problem and apply the law to the facts of the problem. And, it takes a person who really likes to be, wants to be, on stage, and who does not shy away from controversy.

You must have people skills. You cannot operate in a vacuum. You must have the ability to persuade, and that requires the ability to read people.

Fred Crumpler Jr. ('57)

It's based on your knowledge of the law, but so many cases are won on the facts and not the law, so that means you need the ability to determine the facts available to you. You need the ability to communicate that to a judge or jury in a persuasive manner, but you must have the facts to do it.



Judge N. Carlton Tilley Jr. ('69)

A good trial lawyer first of all should be bright, be willing to work hard on a case, and have the ability to remain flexible and be able to react to the testimony of witnesses in the courtroom and to counter unexpected testimony. A good trial lawyer has to be a good communicator who appears sincere to both the court and the jury. He or she must form an explanation of what happened and relay it to the jury along with the evidence in such a way that the jury can accept your theory of the case.

It seems to me that a good trial lawyer finds and develops the facts of the case to determine if there is a reasonable explanation consistent with your client's success or failure, and if there isn't, then a good trial lawyer tries to work out



some disposition other than trial. That involves looking at the facts not once or twice but time and again, to see if you can find that reasonable explanation. Sometimes it doesn't jump right out at you, sometimes the key to the case is hidden

in those facts, is something from the past that may be admissible.

Sincerity is the hallmark. It also pays to be a good speaker.

Good trial lawyers don't all have the same approach: everybody has to develop their style to their strengths. Those who have a little of the thespian in their blood can be fun to watch when they try a case. But some people can do it with flair and others with a kind of sincerity that captures the jury, which may be low key but still inspires confidence.

Wilson Parker

A good trial lawyer is smart enough to understand the applicable law. She works doggedly to make sure she has a command of all the legal concepts that will come into play in the case; she works doggedly to uncover all of the facts that may come into play; and she has a gift for communication.



Good trial lawyers have to like people. If you don't enjoy talking to people, don't be a trial lawyer.

You've got to do your homework. You can't show up and be charming but unprepared. The key to success in the courtroom

is preparation, and preparation isn't sexy.



The Revolution in Scientific Expert Evidence

Has expert witness reform overshot the mark?

by Michael D. Green

There's something happening here.
What it is ain't exactly clear.

—"For What It's Worth," Buffalo Springfield

THERE IS SOMETHING VERY interesting going on in scientific expert witness testimony. Actually, there are many interesting things, but I focus on scientific evidence in civil cases. The changes in the law are more profound and are having a major impact both in the way cases are litigated and in who wins.

Let me rewind the videotape to 1976. That is when the Federal Rules of Evidence were promulgated and enacted by Congress. The Federal Rules were designed to liberalize the standards for admitting expert opinions: hypotheticals were not required; the bar for admissibility was lowered so that the testimony need only be helpful to the jury; experts could rely on matters not introduced in evidence; and the prohibition on ultimate issue opinions was removed. The Federal Rules recognized the increasing scientific and technical issues arising in litigation and the need for expertise to resolve such disputes.

The demand for this expertise seemed to have its own impact on the supply. Experts willing and anxious to testify became prevalent. Anyone reading a legal periodical for litigators published from around the early 1980s was inundated with advertisements by expert witnesses. Expert referral services began and flourished. Lawyers could pick and choose to find a favorable expert and were afforded the luxury of shielding the identity of those who did not provide favorable opinions from their adversaries.¹

Three years before the Federal Rules of Evidence were enacted, the first asbestos verdict for a plaintiff was affirmed on appeal.² The Borel opinion has some most unusual citations for a judicial opinion. Borel is filled with

citations to such journals as the American Journal of Medicine, Annals of the New York Academy of Science, Journal of the American Medical Association, and the British Medical Journal. Of course, those sources were cited because they were relevant to factual causation: Does asbestos cause lung disease and cancer?

As asbestos litigation marched on from a small, localized conflagration in east Texas to become a national war, other case congregations involving toxic agents and disease arose: in the late 1970s, swine flu vaccine; in the early 1980s, Agent Orange, Bendectin (a drug for morning sickness in pregnant women) and DES (also for pregnant women, to prevent miscarriages). Other individual or smaller toxic agent cases arose.

All of these cases presented varying degrees of difficulty with regard to agent-disease causation: Does the agent cause a specified disease in human beings? Unlike traumatic injury, such as a bloody nose from an assaultive fist, we know little about the biological mechanisms involved from agent exposure to disease manifestation.

As a result of these cases (and others), concern began to develop that maybe the expert witness reform had, like other law reform effects, overshot the mark. Judicial criticism began to surface. Judge Jack Weinstein, a prominent evidence scholar, opined: "[A]n expert can be found to testify to the truth of almost any factual theory, no matter how frivolous"³ Judge Posner weighed in, in characteristically blunt language: "[The expert's] was the testimony either of a crank or, what is more likely, of a man who is making a career out of testifying for experts."⁴

Peter Huber was influential in pushing the idea that “junk science” was strangling the nation’s courts, and he had the anecdotes and the appealingly polemical writing style to convince many of its truth.⁵

What was to be done? Let me skip lightly over the details, but lower courts began to use a number of devices to rein in the perceived abuses. Sufficiency of the evidence review permitted courts to keep cases from the juries that courts feared unable to sort out science from science fiction. Expert witnesses were another target; the Ninth Circuit resurrected *Frye*⁶ and employed it to review several experts’ testimony in a *Bendectin* case.

The Supreme Court weighed in 1993 in the now-famous *Daubert v. Merrell Dow Pharmaceuticals, Inc.*⁷ Nominally, the issue before the court was whether *Frye*, which required that a scientific test be generally accepted in the relevant community of experts before its results could be admitted through the testimony of an expert, survived the adoption of the Federal Rules of Evidence. But that wasn’t the real issue. It wasn’t the real issue because *Frye* had never been employed to screen the admissibility of expert witness testimony in civil cases. Before 1990, invocation of *Frye* to test the admissibility of an expert’s testimony in a civil case was as rare⁸ as an academic uttering the words, “I don’t know.” What was truly at stake was whether federal judges were going to get into the business of screening expert witness testimony on any other basis than whether the expert was qualified.

Daubert declared that judges were to exercise a “gatekeeping” role, examining whether an expert witness’ methodology was “reliable” and reasoning was sound. This was a daunting task: the experts in *Daubert* were well-qualified epidemiologists (identifying the cause of human disease), toxicologists (studying toxic agents), teratologists (studying the existence and causes of birth defects) pharmacologists (understanding how pharmaceuticals operate), and dysmorphologists (studying the development and differentiation of cells in the embryo) who used a variety of scientific testing, studies, and methods to support their conclusions about *Bendectin*’s teratogenicity.

Justice Rehnquist expressed his skepticism about the enterprise on which the *Daubert* majority was embarking:

I defer to no one in my confidence in federal judges; but I am at a loss to know what is meant when it is said that the scientific status of a theory depends on its “falsifiability,” and I suspect some of them will be, too. I do not doubt that Rule 702 confides to the judge some gatekeeping responsibility in deciding questions of the admissibility of proffered expert testimony. But I do not think it imposes on them either the obligation or the authority to become amateur scientists in order to perform that role.⁹

But within four years, Justice Rehnquist’s qualms were quelled. He authored the court’s second foray into judicial screening and scientific experts in *General Electric Co. v. Joiner*:¹⁰

The plaintiff claimed that occupational exposure to polychlorinated biphenyls (PCBs) and their chemical derivatives caused his lung cancer. The nominal issue was the appropriate standard of appellate review of a trial judge’s decision to exclude expert testimony based on *Daubert*. Justice Rehnquist made quick work of that matter, then rolled up his sleeves and played amateur scientist for a day, explaining why the district court had not abused his discretion: The rodent toxicologic studies plaintiff’s experts relied on could not be extrapolated to human beings with the lung cancer from which plaintiff suffered (small-cell carcinoma) because those studies found an increase in a different kind of cancer (alveogenic adenomas).

Justice Rehnquist then proceeded to the four epidemiologic studies cited by plaintiff’s experts and proceeded to critique them, explaining that one was not statistically significant and another studied several agents and failed to disaggregate their effects. Federal judges, welcome to the amateur scientist’s white lab coat!

If there were common stock available in judicial screening of experts, it would have been the growth stock of the 1990s. And it would have produced far better returns than even the high tech wonders at their apex.¹¹

Many state courts also signed on to *Daubert* screening.¹² Many of those that didn’t resurrected a moribund *Frye*-like state rule, and set it loose on civil expert witnesses. The scope of *Daubert* was expanded from scientists to engineers and technicians in *Kumho Tire Co. v. Carmichael*.¹³ Lower courts routinely use *Daubert* to screen the testimony of physicians, real estate appraisers, engineers, ergonomists, psychologists, economists, epidemiologists, toxicologists, and a variety of other “ist” experts. The Federal Judicial Center, the research and educational arm of the federal courts, issued a thick volume entitled *Reference Manual on Scientific Evidence* for federal judges. Now in its second edition, it covers nine different specialized areas from multiple regression analysis to DNA evidence. West has a three-volume text on scientific evidence covering similar topics.¹⁴

What does all of this deputizing of judges to clean up expert witness testimony mean?

First, and most confidently, judicial screening of expert testimony has prevented erroneous plaintiff verdicts. This is plainly so in the *Bendectin* litigation, in which a substantial body of exonerative epidemiological evidence developed, yet plaintiffs continued to win about half

of the jury trials.¹⁵ With a bit less confidence, one could say that the autoimmune disease breast implant cases appear to be a replay of Bendectin.¹⁶ The same is likely true in a host of other cases.

Second, some meritorious cases are being resolved erroneously. Once plaintiff's expert testimony on an element of a prima facie case, causation, for example, is ruled inadmissible, summary judgment follows. While this "false negative" effect is more difficult to document, I am confident that, as with capital punishment and false positives, there is slippage. Of course, the critical question is how much of a false negative effect do we have and how does it compare to the false positives we are avoiding?

Finally, Daubert is making litigation more expensive. Not only in the obvious way: pretrial motions to exclude an adversary's expert's testimony, pretrial hearings with the contending experts, and subsequent judicial and lawyer time in resolving the motion. But more subtly, plaintiff's lawyers are discovering that they can no longer defer their experts working up a case. In the past, that effort (and expense) could be pushed off. A lawyer could wait and see if discovery produced a settlement. If so, the substantial costs of an expert's preparation could be avoided. That stratagem is risky business today. Many of the opinions I read in which courts rule an expert's opinion inadmissible appear to be cases in which the expert failed to do her homework. Sure, some of them may have been sloppy experts. Some may not have been able to validate their opinions no matter how much effort was invested. But many of these cases appear to reflect an effort to defer the

expenses required by reliable science or engineering until trial is unavoidable. As has become evident with the frequency of Daubert dismissals, that cost-saving device is no longer viable.

This last effect was unintended, but no less unfortunate. The costs of litigation are a major concern of the legal day. The damages a prospective plaintiff must have suffered to find representation in a complex personal injury case have been ratcheted up significantly. Modestly injured plaintiffs need not apply. And, of course, defendants must also bear the increased costs of Daubert motions and hearings and the acceleration of thorough expert preparation. Do we really want, as Judge Posner has argued, to have experts in court "exercise the same intellectual rigor"¹⁷ that they do in their laboratories? More pertinently, do we want the price of admission to a civil suit to be the cost of a scientist conducting a laboratory study?

The question I'm left with is whether once again the law reform effort—Daubertizing judges—has overshot the mark. Have we gone too far in our efforts to excuse bad science and ensure juries are not confronted with experts who testify to unsupported theories, employ poor methods, or utilize questionable reasoning? We'll have to wait and see: I don't know. ☹️

Michael D. Green, holder of the Bess and Walter Williams Distinguished Chair in Law at Wake Forest School of Law, is an accomplished national scholar in torts, products liability, and toxic substances litigation.

1 Fed. R. Civ. Pro. 26(b)(4)(B)

2 Borel v. Fibreboard Paper Products Corp., 493 F2d 1076 (5th Cir. 1973).

3 Jack B. Weinstein, Improving Expert Testimony, 20 U. Rich. L. Rev. 473, 482 (1986).

4 Chaulk v. Volkswagen of America, Inc., 808 F2d 639, 644 (7th Cir. 1986).

5 See Peter Huber: Galileo's Revenge: Junk Science in the Courtroom (1991).

6 Frye v. United States, 293 F.1013 (D.C. Cir. 1923) (holding admissibility of expert testimony based on results from a precursor to lie detector in a criminal case depended on its general acceptance among experts).

7 509 U.S. 579 (1993).

8 See Michael D. Green, The Road Less Well Traveled (and Seen): Contemporary Lawmaking in Products Liability, 49 DePaul L. Rev. 377, 399 n.114 (1999).

9 Daubert, supra, 509 U.S. at 600-01.

10 522 U.S.136 (1997).

11 See D. Michael Risinger, Navigating Expert Reliability: Are Criminal Standards of Certainty Being Left on the Dock?, 64 Alb. L. Rev. 99 (2000) (examining more than 2000 cases involving Daubert challenges and finding most were civil cases).

12 See Heather G. Hamilton, The Movement from Frye to Daubert: Where do the States Stand?, 38 Jurimetrics J. 201 (1998).

13 119 S.Ct. 1167 (1999)

14 David L. Faigman et. al., Modern Scientific Evidence (1997).

15 See Joseph Sanders, From Science to Evidence: The Testimony on Causation in the Bendectin Cases, 46 Stan. L. Rev. 1 (1993).

16 See Allison v. McGhan Medical Corp., 184 F3d 1300 (11th Cir. 1999).

17 Braun v. Lorillard Inc., 84 F3d 230 (7th Cir. 1996).

ALUMNI NOTES

REUNION CLASS OF 1971



Members of the Class of 1971 at their 30th reunion are shown with Professor Emeritus James Sizemore (JD '52) (bottom row, center).

1949

HORACE KORNEGAY (JD '49) received the Bar Association's annual Distinguished Services Award. The award honors members who have made enduring contributions to the legal system and have upheld the highest ethical standards.

1958

DANIEL W. FOUTS (JD '58) has been selected for inclusion in the 2001-2002 edition of *The Best Lawyers in America*.

1963

FRED G. MORRISON JR. (JD '63) was reappointed to serve as a member of the North Carolina Sentencing and Policy Advisory Commission.

1968

BENJAMIN WHITE (JD '68), was among only six attorneys in the country selected last fall for the Executive Achievement Award by the U.S. Justice Department's executive office for attorneys. He has spent 27 years with the U.S. Department of Justice as a prosecutor in Greensboro, NC.

1969

RON NICOLA (JD '69) entered a solo private practice in 1997 and he completed his MBA with a concentration in finance at Rutgers University Graduate School of Management. This was an executive MBA program, covering 22 months and including

a summer Cambridge Institute Program for two weeks with classes in Cambridge, London, Krakow, and Vienna. His practice will continue with a business consulting component.

1971

M. JAY DEVANEY ('69, JD '71) has been selected for inclusion in the 2001-2002 edition of *The Best Lawyers in America*.

1973

ALFRED G. ADAMS ('68, JD '73) has joined the firm of Womble Carlyle Sandridge & Rice in Winston-Salem. He was formerly a partner with Kilpatrick Stockton and is adjunct professor at the Wake Forest School of Law, teaching real estate finance.

JOHN L. PINNIX (JD '73) has been elected president-elect of the American Immigration Lawyers Association (AILA). He is a founding member of the Carolinas Chapter of AILA and is a board certified specialist in immigration law. He is a principal in the Raleigh law firm Allen and Pinnix PA. He will assume the

office of president at the association's annual conference in San Francisco in June 2002.

1976

JOHN W. CLARK (JD '76) recently completed a two-year term as president of the regional food bank of northeastern New York, a not-for-profit organization which distributed 14 million pounds of food to various pantries within New York. He has opened his own law firm in Albany, NY, and concentrates in elder law, estate planning, and management labor law. The U.S. Senate confirmed his nomination to the rank of Brigadier General in the New York Air National Guard and U.S. Air Force Reserve, where he serves as a judge advocate assigned as the Air National Guard Assistant to the Staff Judge Advocate for Air Combat Command at Langley Air Force Base in Virginia.

1977

J. DAVID WALSH (JD '77) was recently appointed by Governor Jeb Bush to the office of Circuit Judge, Seventh Judicial Circuit. This circuit includes the great Daytona Beach area. He resides in Ormond Beach, FL with his wife, Stephanie, and two teenage children, Matthew and Cathleen.

JOSHUA W. WILLEY JR. ('74, JD '77) has been elected to serve as Councilor of the North Carolina State Bar, representing District 3b. He is a partner in the firm of Mills & Willey, and his practice focuses in the areas of personal injury, workers' compen-

sation and criminal defense law. He resides in New Bern, NC with his wife, Denise, and daughter, Catherine.

1980

BOBBY J. CRUMLEY (JD '80) was the featured speaker at the annual dinner of the Human Resource Management Association of Greensboro, NC. His presentation of 'Bob's 10 Commandments to Reduce Workers' Compensation Costs' offered attendees tips and tactics on a variety of workers' compensation issues. He was also a featured speaker at the NC Chiropractic Association's seminar 'Building Your Practice' where his presentation 'How to Avoid the Deposition or Trial Panic' helped attendees walk confidently through the trial process.

1981

DANIEL A. MONACO (JD '81) is a partner with Drinker Biddle & Reath LLP. He co-authored *What the General Practitioner Should Know About Patent Law and Practice*. The American Law Institute-American Bar Association recently released the 2001 Supplement to this publication. The supplement was also co-authored by Monaco.

1983

MICHAEL J. DODSON (JD '83) has been certified as a Civil Trial Specialist by the National Board of Trial Advocacy. He resides in Palo Alto, CA, and is a civil trial attorney for the San Jose City Attorney's Office.



KURT E. LINDQUIST II (JD '83) has joined the law firm of Kilpatrick Stockton LLP. He will head the Charlotte, NC, office litigation practice. His practice includes litigating issues between business entities, including unfair and deceptive trade practices, trade secrets and interfering with business relations.

1984

DAVID M. WARREN ('81, JD '84) has been appointed Chair of the Local Rules Committee by the United States Bankruptcy

A REMINISCENCE

IT WAS A STEAMY August afternoon outside Carswell Hall and a day of firsts inside. I was a new teacher at Wake, and Jeff Rupe (Law '84) was a 1L in my first Legal Bib (now LRW) class. From the start, we found camaraderie in our relatively advanced age (both 31) and the fact that we "weren't from around here" (he hailed from Michigan, by way of Colorado, me, New York City and D.C.). As a result of several casual after-class conversations, I discovered that we shared a fondness for the music of Dylan and the music of the Beatles, and a passion for politics. I also sensed that Jeff was brilliant at anything he put his mind to. This became clear as he set to work the following summer as my Research Assistant, helping a fledgling scholar through the travails of writing his first law review article. Jeff was with me daily, and his insights on the arcane topics of standing and separation of powers, plus his elegant writing, helped immeasurably.

As we moved through his years at Wake, what began as a student/teacher relationship grew into a close friendship. After graduation, Jeff "hung out a shingle" in Charlotte,

and he experienced the joys and frustrations of the sole practitioner. Despite the fact that his cases rarely allowed him to take advantage of the lofty theories of his beloved constitutional law, never once did I hear him denigrate the clients he represented, nor the worth of what he did for them. I'm sure his income was modest, and that more than once he accepted barter in lieu of fees.

Jeff was diagnosed with Multiple Sclerosis in 1991, and as the disease progressed, he was forced to retire from the active practice of law. But Jeff made sure that he went out in style. His last court appearance was the hopeless appeal of a court-appointed criminal matter to the conservative Fourth Circuit. Jeff's client had been subjected to a draconian sentence imposed under the then-new Federal Sentencing Guidelines. Shuffling to the podium, leaning on his cane, Jeff forcefully and eloquently argued to the panel that his client's sentence, and the Guidelines more generally, were so unfair that they violated both due process and the Eighth Amendment. Not surprisingly, he lost 3-0, and he didn't even get a published opinion out of the judges. Nevertheless,

I'm sure that even in a losing cause, the judges realized that they were in the presence of a skilled advocate and a deeply caring man.

MS gradually robbed Jeff of more and more of his physical abilities, but he managed to maintain an almost Zen-like dignity through it all. When he died on June 18, his classmates lost a delightful colleague, the bar and his clients lost an outstanding attorney, and I lost a dear friend.



David A. Logan,
Professor of Law

1986

Court, Eastern District of North Carolina Courts. He is a board certified specialist in business and consumer bankruptcy.

CLIFFORD BRITT ('82, JD/ MBA '86) has been elected as the education vice president of the North Carolina Academy of Trial Lawyers (NCATL) and will serve on the Executive Committee of the Board of Governors. He is

past chair of the professional negligence section of the NCATL. He practices with Comerford & Britt LLP in Winston-Salem with a focus on medical malpractice, defective products, personal

injury, and wrongful death. He serves on the Wake Forest University Law School Alumni Council.

1989

DAVID MICHAEL BENDER (JD '89, MA '98) graduated from Columbia Theological Seminary last May. He is serving as solo pastor of Bethesda Presbyterian Church near Rock Hill, SC. He and his wife, Edye, reside in York, SC.

1992

BETSY MCMORROW (JD '92) is counsel, director international legal operations for Genzyme Corporation, in Cambridge, MA.

1993

RITA ROBERTSON WOLTZ (JD '93) was employed after graduation with the Rutherford Institute, a religious rights and free speech organization in Charlottesville, VA, as legal coordinator supervising its litigation and volunteer attorneys. In 1997, she left to become an assistant attorney general in the Education Division of the Virginia Attorney General's Office in Richmond, VA. There she worked as legal advisor to Norfolk State University and the State Community College Board. She resigned this position in May 2001 to become general counsel for Old Dominion University in Norfolk, VA.

1994

J. STEVE GARDNER (JD '94), was named partner with Kilpatrick Stockton LLP in January 2001. He is a frequent writer and speaker on patent law and other legal topics and currently teaches Internet Business Law as an adjunct professor at Wake Forest University School of Law.

ERIC W. ISKRA (JD '94) spoke at the annual meeting of the American Bar Association in August. His topic was "The Top Ten Things Every Lawyer Should Know About Employment and Labor Law."

1995

STUART ALBRIGHT (JD '95) is the district attorney for Guilford County, NC.

BENJAMIN R. DAVID (JD '95) is an assistant district attorney in the 5th Prosecutorial District, which includes New Hanover and Pender counties in NC. His brother, Jon, recently moved to Wilmington, NC, and has joined Ben in the DA's office. The twins will prosecute their first capital murder trial together later this year.

J. KATE HARRIS HATCHER (JD '95) has joined the Emerging Growth and Technology Practice at McGuire Woods LLP. She has six years of in-house counsel experience including an intensive focus on information technology transactions and agreements.



Members of the Class of 1981 at their 20th reunion are shown with Professor Emeritus James Sizemore (bottom row, third from left).

MARTIN B. MCGEE (JD '95) is a North Carolina state district court judge in Judicial District 19A (Cabarrus County). He was nominated by his local bar and appointed by Governor James B. Hunt. Prior to his appointment he practiced law with Williams Boger Grady Davis & Tuttle PA in the areas of motorsports law, civil litigation, and criminal defense. He also served as counsel

REUNION CLASS OF 1991



Members of the Class of 1991 at their 10th reunion are shown with Professor Emeritus James Sizemore (JD '52) (bottom row, second from left).

in the landmark North Carolina congressional redistricting cases that were argued in the Supreme Court of the United States. He resides in Concord with his wife, Debin, and their two-year-old daughter, Dorothy.

1996

NANCY C. GREEN (JD '96) recently relocated to Charlotte, NC to begin work with the Council on Education in Management, an international human resource consulting company.

1999

KAREN R. HOGAN (JD '99) has joined the Winston-Salem firm of Womble Carlyle Sandridge & Rice in the environmental/toxic tort litigation group.

SHAIDA JARRAHI

HORNER (JD '99) joined the firm of Blanco Tackabery Combs & Matamoros PA in June. Her practice will concentrate in transactional and corporate law.

HOLLY HEMPEL WATSON

(JD '99) joined Nelson Mullins Riley & Scarborough LLP in June. She practices in the area of toxic tort litigation.

2000

TRENT E. JERNIGAN (JD '00) has joined the firm of Womble Carlyle Sandridge & Rice in Winston-Salem. He was formerly an associate with Kilpatrick Stockton. He provides legal guidance on commercial real estate transactions.

BIRTHS

1985

DAVID DAGGETT (JD '85) and Cynthia Daggett, Winston-Salem: a daughter, Emmaline Cameron. 6/6/01. She weighed 6 lbs. 6 oz. She joins her two-year-old big sister, Annecy. David continues as an attorney and managing partner of Lewis & Daggett Attorneys in Winston-Salem.

1997

JIM WELSH ('87, JD '97) and Beth McConnell Welsh ('90), Winston-Salem: a daughter, Margaret Olivia 'Maggie'. 1/3/00.

MARRIAGES

1994

BILL DERASMO (JD '94) and Jennifer Kelly of Floral Park, NY. 9/16/00 in Hawley, PA. The couple lives in Alexandria, VA. Bill is a senior associate with Troutman Sanders L.L.P. in the Federal regulatory practice group.

1996

MARK CHRISTOPHER LEHBERG (JD '96) and Leslie Marlee Hinckley. 3/10/01 in CA. Mark practices law for Gray Cary in San Diego, CA, specializing in intellectual property and transactional contracts.

1998

MATTHEW S. BLACK (JD '98) and Meredith L. Taylor (JD '98). 4/7/01 in Raleigh, NC.

MARCUS TOWNSEND REYNOLDS (JD '98) and Kelly Kathlyn Andres (JD '99). 5/26/01 in Asheville, NC. The couple resides in San Diego, CA, where Marcus is practicing family law with Lugar & Pohl, and Kelly is practicing patent law with Gray Cary Ware & Freidenrich.

MEREDITH L. TAYLOR (JD '98) and Matthew S. Black (JD '98). 4/7/01 in Raleigh, NC.

GIVING BRIEFS

2000-2001 FIRM REPRESENTATIVE PROGRAM *

The Wake Forest School of Law thanks the following sixteen firms and firm representatives for achieving 100 percent alumni participation. Thirty-six firms, representing 400 law school alumni, participated in the program, which raised \$74,000 for the Law Fund.

ADAMS KLEEMEIER HAGAN HANNAH & FOUTS
Greensboro, N.C.

David A. Senter ('81, '84 JD)

ALALA MULLEN HOLLAND & COOPER
Gastonia, N.C.

J. Reid McGraw, Jr. ('89 JD)

BATTLE, WINSLOW, SCOTT & WILEY
Rocky Mount, N.C.

J. McLain Wallace, Jr. ('85, '88 JD)

BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD
Greensboro, N.C.

Allison M. Grimm ('90 JD)

CARRUTHERS & ROTH Greensboro, N.C.

Mark S. Hartman ('00 JD)

JOHNSTON, ALLISON & HORD Charlotte, N.C.

Paul A. Kohut ('83 JD)

Paula J. Banks ('93 JD)

KENNEDY COVINGTON LOBDELL & HICKMAN
Charlotte, Raleigh, N.C.

Eugene C. Pridgen ('75 MBA, '78 JD)

KILPATRICK STOCKTON Winston-Salem, N.C.

Drew H. Veach ('99 JD)

PARKER, HUDSON, RAINER & DOBBS Atlanta, GA
Bobbi Acord ('86, '89 JD)

PARKER, POE, ADAMS & BERNSTEIN Charlotte, N.C.
A. Grant Whitney ('76, '79 JD)

POYNER & SPRUILL Rocky Mount, N.C.
David M. Warren ('81, '84 JD)

SMITH, ANDERSON, BLOUNT, DORSETT, MITCHELL &
JERNIGAN Raleigh, N.C.
John D. Madden ('83 JD)

SMITH DEBNAM NARRON WYCHE STORY & MEYERS
Raleigh, N.C.
Terri Gardner Lasley ('78, '81 JD)

WACHOVIA BANK OF NORTH CAROLINA
Winston-Salem, N.C.
John H. Loughridge, Jr. ('70 JD)

WARD AND SMITH Greenville, New Bern, Wilmington, N.C.
Merrill G. Jones ('90, '97 JD)

WOMBLE CARLYLE SANDRIDGE & RICE Raleigh, N.C.
Kenneth G. Carroll ('82, '85 JD)

* The Firm Representative Program is an annual grassroots fund raising program for the Law Fund. Firms with five or more Wake Forest law alumni are invited to participate.

REUNION CAMPAIGNS

THANK YOU to the law classes of 1961, 1971, 1976, 1981, and 1991 who raised a combined total of \$73,599 for the Law School in honor of their class reunions held in spring 2001.

	Total	Class Participation
1961	\$ 1,035	35%
1971	\$ 4,330	80%
1976	\$ 14,013	35%
1981	\$ 27,307	10%
1991	\$ 16,912	96%

IN THE INTEREST OF THE PUBLIC

LOAN REPAYMENT
FUND SUPPORTS
SERVICE-MINDED
LAW STUDENTS

WAKE FOREST LAW students considering a career in public interest law may soon have less of a reason to worry about repaying student loans.

The Jessie Ball duPont Religious, Charitable and Educational Fund has given \$150,000 to support the law school's Loan Repayment Assistance Program. The program, specifically for students going into public interest law, reduces eligible students' loans by up to 10 percent. About twenty-four law graduates are expected to benefit from the gift over the next three years.

"I would hate to think that money is driving people's choices about their vocation and their calling," said Professor of Law Ronald F. Wright, a faculty advisor for the program. "I am awfully glad we have made this first step toward making money less of an issue."

Dean Robert K. Walsh said he hopes the duPont gift will help the school attract additional gifts to further support the program and encourage more students to consider careers with non-profit and government agencies and organizations that provide legal aid to the poor.



The first recipients of the Loan Repayment Assistance Grants, shown with Dean Walsh (second from left), are (from left to right) Michael Greene ('99 JD), Lorraine Mortis ('99 JD), Candace Morton ('99 JD) and Matthew Stockdale ('00 JD). Other recipients not pictured include: Brian Doyle ('00 JD), Brett Loftis ('00 JD), Keith O Halloran ('00 JD), Burns Wetmore ('99 JD).

About a third of law students say they are considering a career in public interest law when they first enroll in law school, Wright said, but he estimates that fewer than 10 percent actually accept jobs in that area. Many students change their mind as their law school debts mount, he said.

The average debt load for a Wake Forest law graduate was \$66,000 last year; repaying that debt over ten years costs about \$775 a month. But the average annual starting salary for a lawyer with a public interest organization ranges from \$18,000 to \$34,000, making it difficult to carry that much debt, Wright said.

Brent Loftis (JD '00), one of the first beneficiaries of the loan repayment program, said the high debt

load does discourage students from considering a career in public interest law and forces others to leave the field. "Reducing your loan by ten percent might not sound like much, but for someone like me, I can't stress how important it is," said Loftis, an attorney for the Council for Children in Charlotte, North Carolina.

Sabra Engelbrecht (JD '99), a former president of the school's Public Interest Loan Organization, which raises money for the loan program, helped start the program in 1998. "I felt it was important because it just didn't make sense that a university like Wake Forest did not have a way to help students who wanted to go into public interest law," said Engelbrecht, an attorney with

Jones Day in Atlanta. "The debt issue has made it hard for many of them to do that."

The loan repayment program is patterned after the North Carolina Legal Education Assistance Fund, which makes similar awards to graduates of North Carolina law schools, but only if they remain in the state. Wake Forest's program does not have that limitation.

"The duPont Fund is delighted to support the efforts of Wake Forest law students who raise money for the Loan Repayment Assistance Program," said Sherry Magill, president of the duPont Fund, a national foundation based in Jacksonville, Florida. "This is a wonderful way to support lawyers who serve others through public interest law."

1999

KELLY KATHLYN ANDRES (JD '99) and Marcus Townsend Reynolds (JD '98). 5/26/01 in Asheville, NC. The couple reside in San Diego, CA, where Kelly is practicing patent law with Gray Cary Ware & Freidenrich, and Marcus is practicing family law with Lugar & Pohl.

CHRISTOPHER J. LEONARD ('96, JD '99) and Laura E. Curlee. 4/21/01 in Wilmington, NC. Christopher is an attorney with the Business Law, Tax and Estate Planning Group of Murchison, Taylor & Gibson LLP in Wilmington.

OBITUARIES

1943

FREDERICK GARLAND CHAMBLEE ('43, JD '47), March 4, 2001. He set up practice in Statesville, NC, in 1950 and remained in practice until 1996. He was a charter president of the Statesville (Evening) Exchange Club, a member of the Statesville Jaycees, and was president of the Greater Statesville Chamber of Commerce. He is survived by two children.

1950

CHARLES HENRY RANDLEMAN (JD '50), April 2, 2001. Judge Randleman was a former district attorney of Surry County and surrounding counties, District Court judge, and state senator in 1956. He was a veteran

of the U.S. Air Force having served in World War II. He was a former commander of the VFW, former director of Reeves Community Center, former trustee of Northern Hospital of Surry County, member of the advisory board of the Small Business Association, and member of the First Baptist Church of Mount Airy, NC. He is survived by his wife, Frances; a daughter, Lou; and a granddaughter, April Lynn.

1957

WILLIAM GRAY STARLING ('57), June 18, 2001, Winston-Salem. He graduated magna cum laude in the first graduating class of Wake Forest College in Winston-Salem. He was the dean of admissions and financial aid at Wake Forest University and a member of Maple Springs United Methodist Church. He served the church in many capacities and worked in the church nursery, which was one of his greatest passions, for more than 30 years. He was an avid fisherman, golfer, and gardener. He is survived by his wife, Elinor, two children, and four grandchildren.

1969

ADAM CRAWFORD GRANT JR. ('69, JD '71), June 7, 2001, Concord, NC. He practiced law in Concord with his brother in the law firm of Grant & Grant. In 1974, he was elected District Court Judge. At 27, he was one of the youngest persons to serve as a judge in North Carolina. He was appointed Chief District Court Judge in 1989 where he served until his retirement in 1997.

LAW FUND RESULTS

For the 2000–2001 fiscal year, 1,463 alumni and friends raised \$580,148 for the Law Fund—the largest Law Fund total in Wake Forest history. The first \$300,000 subsidizes the law school's overall operating budget, and the remainder is applied to the Law Alumni Scholarship Fund. Currently, sixteen law students receive Law Alumni Scholarships. Thank you to everyone whose dedicated support made it possible.

He served as president of the North Carolina Conference of Chief District Court Judges from 1996–1997. An active member of First Presbyterian Church in Concord, he served as deacon, elder and Sunday school teacher. He is survived by his wife of 24 years, Alice.

1992

CHRISTOPHER MATTHEW ROSHONG (JD '92), June 7, 2001, Raleigh, NC.

JIM VAN CAMP ('65)

A litigator's life

James R. Van Camp's (JD '65) now-thriving law firm began in a sandhill town of 900 people. In 1968 he was just a few years out of Wake Forest School of Law when his partner and fellow alumnus, Chub Seawell, announced his retirement. The firm was founded by Seawell's father and had served the community of Carthage since the early 1900s.

"All of a sudden I had to do everything from real estate to wills and criminal practice," Van Camp recalls. "I did my own appellate work. In my first three years of practice, I had been in the North Carolina Supreme Court five times."

Today, Van Camp, Meacham & Newman has more than twenty employees in its Pinehurst offices to litigate corporate, civil, criminal, and domestic law, personal injury, and medical malpractice. The firm also offers the usual services for real estate, wills, and estates.

Political involvement and community service came early and easy for Van Camp, who worked for Governor Robert Scott in 1969 and 1970 and chaired the North Carolina Governor's Crime Commission from 1979 to 1986. He has served on nearly two dozen commissions and boards since then.

"I think it is important to give something back, both to the community and to the state," he says. "The idea of giving service was discussed a lot when I was a law student at Wake Forest University. A number of very fine lawyers who came out of the school have achieved distinction and also have taken time to volunteer and make things better outside their field."

A child of a career Marine, Van Camp grew up across the country, beginning first grade in California, the next year in Guam, then in Philadelphia and New York. He graduated from high school in Jacksonville, North Carolina, and received his associate degree from Atlantic Christian College (now known as Barton College) in Wilson.

From 1962 to 1965 when he attended Wake Forest School of Law, he also bore the responsibility of being a husband and a father. He excelled in trial practice classes and traveled with the Law School's trial team to argue cases competitively. In 1975, Van Camp, Sidney Eagles, and Leon Corbett wrote a book on North Carolina Criminal Procedure that went into its third printing in 1989.



Cases he prepared and won have been cases of first impression and have stood as important milestones for subsequent cases. "One of the things I find most satisfying is to take a small case that nobody thinks has much to it and creatively turn it into something successful for my client," he says.

He lectures across the country on the subject of trial law. "I have often told young lawyers that being creative in the law is one of the most important things you can do," he says. "We're all taught precedent, but in litigation, being creative and exercising common sense are the two biggest challenges."

Despite living in Pinehurst, one of the world's most favored golfing communities, he has so far declined to take up the game. Instead, he finds other ways to play. Three times a year, in spring, summer, and fall, Van Camp flies out to his 8,000-acre ranch in Montana where he rides one of his horses in a seventy-five-mile cattle drive from Montana to Wyoming.

Van Camp and his wife, Lisa, also ride their Harley-Davidson motorcycles for fun, and take periodic trips across the U.S., and to England and Canada with other Harley fans, some of whom are prominent attorneys and former judges.

"The two biggest challenges in life, particularly as you get older," he says, "are to continue to risk failure and to pursue excellence. You can't rely on who you are or what you think your reputation is. You must challenge yourself daily." ⚖️

— Sheridan Hill

Wake Forest JURIST

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